

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

07 UNITED STATES OF AMERICA, ) CASE NO. CR14-198 RAJ  
08 Plaintiff, )  
09 v. ) DETENTION ORDER  
10 FERNANDO RODRIGUEZ-PENA, )  
11 Defendant. )

13 | Offense charged:

## 14 | Conspiracy to Distribute Controlled Substances:

## 15 | Methamphetamine, Heroin and Cocaine

16 | Date of Detention Hearing: July 15, 2014.

17 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
18 based upon the factual findings and statement of reasons for detention hereafter set forth,  
19 finds that no condition or combination of conditions which defendant can meet will  
20 reasonably assure the appearance of defendant as required and the safety of other persons and  
21 the community.

01                   FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

02                   (1)    Defendant was born in Mexico, and is a citizen of that country.

03                   (2)    The United States alleges that his presence in this country is illegal. There is  
04                   an immigration detainer pending against him. If this court were to order him  
05                   released on conditions on these charges, he would transfer into immigration  
06                   custody. The issue of detention is therefore essentially moot.

07                   (3)    In light of that detainer, defendant and his counsel did not contest the issue of  
08                   detention.

09                   (4)    The nature of the charges creates a rebuttable presumption of detention, both  
10                   for dangerousness and flight risk. Defendant has not effectively rebutted that  
11                   presumption.

12                   (5)    Upon advice of counsel, defendant declined to be interviewed by this court's  
13                   pretrial services officer. This limited the information available to the court as  
14                   to his background and his eligibility for release.

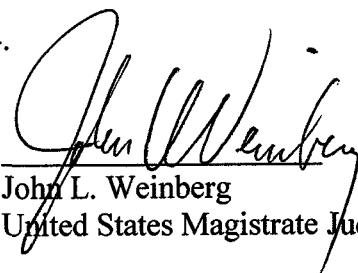
15                   (6)    The court concurs in the recommendation of the Pretrial Services Office that  
16                   defendant be detained.

17                   (7)    If the immigration detainer were removed, or if there is other new information  
18                   which meets the standard of 18 USC ¶3142(f), defendant may move to reopen  
19                   the detention issue.

01 It is therefore ORDERED:

- 02 1. Defendant shall be detained pending trial and committed to the custody of the  
03 Attorney General for confinement in a correction facility separate, to the extent  
04 practicable, from persons awaiting or serving sentences or being held in custody  
05 pending appeal;
- 06 2. Defendant shall be afforded reasonable opportunity for private consultation with  
07 counsel;
- 08 3. On order of the United States or on request of an attorney for the Government, the  
09 person in charge of the corrections facility in which defendant is confined shall deliver  
10 the defendant to a United States Marshal for the purpose of an appearance in  
11 connection with a court proceeding; and
- 12 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel  
13 for the defendant, to the United States Marshal, and to the United States Pretrial  
14 Services Officer.

15 DATED this 15 day of July, 2014.



16  
17 John L. Weinberg  
18 United States Magistrate Judge  
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